

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: August 18, 2004  
Bulk Item: Yes ☐ No ☒

Division: Growth Management  
Department: Planning & Environmental Resources

**AGENDA ITEM WORDING:** A public hearing to consider an Amendment to the Future Land Use Map (FLUM) and the Land Use (zoning) District Map, for Sam Stoia, to amend the FLUM from Residential Low (RL) to Mixed Use/Commercial (MC) and to amend the Land Use District (Zoning) Map from Suburban Residential (SR) to Suburban Commercial (SC). [Second of two public hearings; adopt both ordinances.]

**ITEM BACKGROUND:** The first public hearing or “transmittal hearing” was held on November 19, 2003. At that meeting the BOCC recommended approval for both the FLUM Amendment and the corresponding Rezoning Amendment. The Planning Department, upon the instruction of the BOCC, transmitted the proposed amendments to the Department of Community Affairs (DCA) for consideration. On July 1, 2004 the DCA notified the BOCC that they had reviewed and raised no objections to the proposed amendments.

**PREVIOUS RELEVANT BOARD ACTION:** Adopted Transmittal Resolution 524-03 on November 19, 2003.

**CONTRACT/AGREEMENT CHANGES:**  
N/A

**STAFF RECOMMENDATION: APPROVAL**

TOTAL COST:        N/A BUDGETED: Yes        No       

COST TO COUNTY: N/A SOURCE OF FUNDS N/A

REVENUE PRODUCING: Yes No X AMOUNT PER MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

APPROVED BY: County Attorney           X           OMB/Purchasing                      Risk Management                     

DIVISION DIRECTOR APPROVAL: Timothy J. McGarry, AICP

DOCUMENTATION: Included    X    To follow    /    Not required

DISPOSITION: Agenda Item # Q3

Proposed Future Land Use Map Amendment  
**Residential Low (RL) to Mixed Use/Commercial (MC)**  
**&**  
Proposed Land Use District (Zoning) Amendment  
**Suburban Residential (SR) to Suburban Commercial  
(SC)**

This map amendment is for changing the Future Land Use Map designation from Residential Low (RL) to Mixed Use/Commercial; and the Land Use District (Zoning) from Suburban Residential (SR) to Suburban Commercial for the upland portion of property described by the real estate numbers 00090650.000000, 00090940.000000, 00090640.000000 and 00090950.000000 in Key Largo, Monroe County, Florida.

Future Land Use Map Recommendations

Staff:	<b>Approval</b>	May 12, 2003	Staff Report
DRC:	<b>Approval</b>	May 20, 2003	Resolution #D14-03
PC:	<b>Denial</b>	September 24, 2003	Resolution #P53-03
BOCC:	<b>Approval</b>	November 19, 2003	Resolution 524-2003

Land Use District (Zoning) Recommendation

Staff:	<b>Approval</b>	May 12, 2003	Staff Report
DRC:	<b>Approval</b>	May 20, 2003	Resolution #D14-03
PC:	<b>Denial</b>	September 24, 2003	Resolution #P60-03
BOCC:	<b>Approval</b>	November 19, 2003	Resolution 524-2003

**BOCC Ordinance to Amend  
Future Land Use Map (FLUM)**

**ORDINANCE NO.                    -2004**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY SAM STOIA TO AMEND THE **FUTURE LAND USE MAP** FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR THE UPLAND PORTION OF PROPERTY DESCRIBED BY THE REAL ESTATE NUMBERS 00090650.000000, 00090940.000000. 00090640.000000 AND 00090950.000000 IN KEY LARGO, MONROE COUNTY, FLORIDA AT APPROXIMATELY MILE MARKER 97.9.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on November 19, 2003, conducted a review and consideration of the request filed by the applicant to amend the Future Land Use Map from Residential Low (RL) to Mixed Use/Commercial (MC) for the upland portion of property located at Mile Marker 97.9, Key Largo, Monroe County, Florida having the real estate identification numbers 00090650.000000, 00090940.000000, 00090640.000000 and 00090950.000000.

**WHEREAS**, the Development Review Committee and staff report recommended approval of this future land use map amendment from RL to MC as indicated in Resolution D30-03; and

**WHEREAS**, the Planning Commission held a public hearing on September 24, 2003 and recommended **denial** of the request as indicated in Resolution P53-03; and

**WHEREAS**, the Board of County Commissioners made the following **Findings of Fact**:

1. **Section 9.5-511(d)(5)b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on items *iv and v* of Section 9.5-511(d)(5) which cites "new issues" and "recognition of a need for additional detail or comprehensiveness" as a viable reason to pursue a map amendment and zoning change. **New issues:** Prior to the effective date of the Monroe County Year 2010 Comprehensive Plan, the marina use was an allowed conditional use in the Suburban Residential Land Use (zoning) district. The Comprehensive Plan disallowed all commercial uses in Suburban Residential zoning districts, thereby rendering the use of the property non-conforming. **Recognition of a need for additional detail or comprehensiveness:** The request for the map amendment is consistent with the proposed Tier III designation of the property. The request is also consistent with one of the goals of the Livable CommuniKeys Program to eliminate non-conforming uses via zoning and map amendments if deemed appropriate.

3. The pre-1986 zoning of the property was General Use (GU) for the westerly most parcels while the two easterly parcels were zoned Business Use-2 (BU-2). These designations are consistent with the established commercial use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use district of the subject property was changed to Suburban Residential (SR).
5. **Section 9.5-207** of the Land Development Regulations states that the purpose of the Suburban Residential (SR) zoning district is to establish areas of low – to medium-density residential uses characterized principally by single-family detached dwellings. Prior to the 1996 adoption of the Monroe County Comprehensive Plan marinas were allowed as a conditional use in the SR zoning district.
6. The Future Land Use Map (FLUM) of the Monroe County Comprehensive Plan designates the subject property as Residential Low (RL).
7. Subsequent to the adoption of the Comprehensive Plan and FLUM any future commercial uses in SR zoning districts were prohibited and any existing commercial uses, such as the marina on the subject property became non-conforming.
8. **Policy 101.4.2** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Low future land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.
9. The pre-1986 **Monroe County Code, effective October 1, 1979, Section 19-217, BU-2 – medium business district** states that the purpose of the BU-2 district “is intended to provide areas suitably situated for centers of commercial activity, area retail sales, sales of fuels, mechanical services, wholesaling, warehousing and storage.
10. **Section 19-178, Monroe County Code, 1984** states “the GU district was established as an interim land classification pending action to re-zone the property to a residential, business, or industrial classification.”
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. The current use of the property, as a marina, dates back to 1966 as evidenced by Building Permit #11579 issued to Lowe’s Marina. This is reflective of the pre-1986 zoning categories of BU-2 and GU.
13. **Section 9.5-206** of the Land Development Regulations indicates that the purpose of the Suburban Commercial (SC) zoning district is to establish areas for commercial uses designed and intended to serve the needs of the immediate planning area in which they are located.
14. Based on the established use of the property, the Suburban Commercial zoning category is the most appropriate for the subject property.

15. The **Mixed Use/Commercial (MC)** future land use category is compatible with the land use (zoning) category of **Suburban Commercial**. The **Mixed Use/Commercial** future land use category is the most appropriate FLUM designation for the subject property.
16. **Objective 101.11 of the Year 2010 Comprehensive Plan** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such developments.
17. The **2002 Public Facilities Capacity assessment Report** and the listed programs on stormwater and wastewater indicates that there are no significant concerns regarding impacts on public facilities.
18. The current zoning and FLUM designation has made the existing use a non-conforming one that constrains the potential renovation or expansion of the use.
19. **Policy 105.1.4** of the Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.”
20. **Policy 105.2.1** of the Year 2010 Comprehensive Plan states that “Monroe County shall designate all lands outside of mainland Monroe County into three (3) general categories for purposes of its Land Acquisition Program and smart growth initiatives. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II); and Infill Area (Tier III) .
21. **Policy 105.2.1(3)** states that “Infill Area (Tier III): any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged.”
22. **Goal 102** of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
23. The proposed map amendment is consistent with and supported by **Goal 102, Policy 105.1.4 and Policy 105.2.1**; and

**WHEREAS**, the Board of County Commissioners made the following **Conclusions of Law**:

1. This map amendment meets the fourth (iv) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the subject property or the immediate vicinity.
2. The proposed map amendment is supported by **Objective 101.11** of the Monroe County Year 2010 Comprehensive Plan based on the findings of the 2002 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. There are no significant concerns regarding impacts on public facilities as a result of the proposed change.
3. The proposed map amendment is supported by and is consistent with **Goal 102, Policy 105.1.4 and Policy 105.2.1** as it will not have a negative impact on environmentally sensitive land and will facilitate redevelopment in a Tier III infill area.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Section 1. This Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The upland portion of the previously described property, which is currently designated Residential Low (RL) shall be designated Mixed Use/Commercial (MC) on the Future Land Use Map, which is hereby incorporated by reference and attached as Attachment 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance is hereby transmitted to the state land planning agency for review and comment pursuant to Chapter 163, Florida Statutes.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2004

Mayor Murray Nelson	_____
Mayor Pro Tem David Rice	_____
Commissioner Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner Dixie Spehar	_____

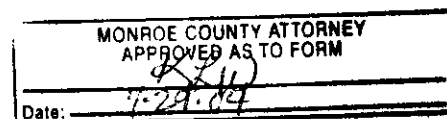
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Nelson

(Seal)

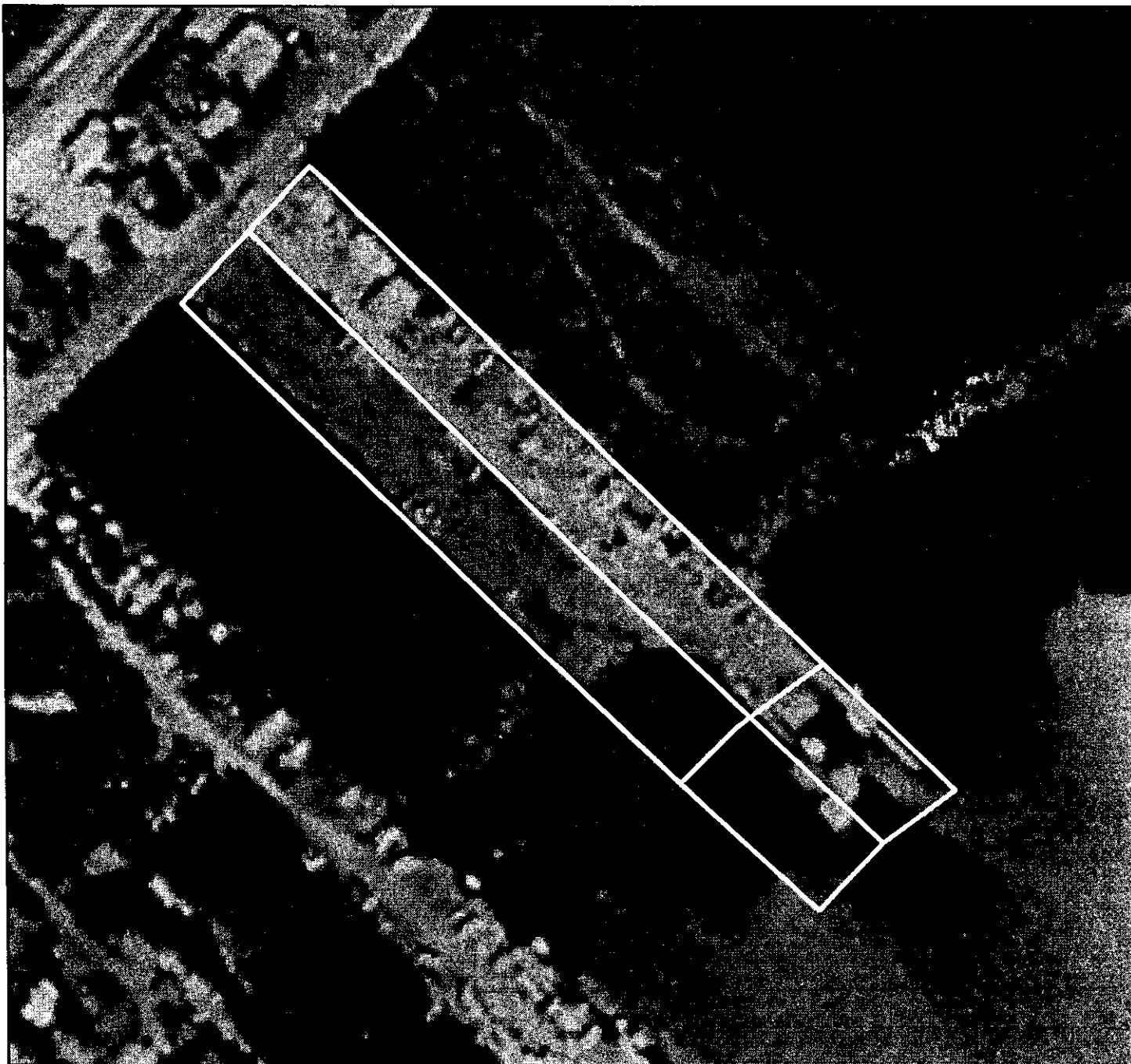
ATTEST: DANNY KOHLAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK





Land Use District Map #: 138



**Proposed Future Land Use Map Amendment: Aerial**

Key: Key Largo

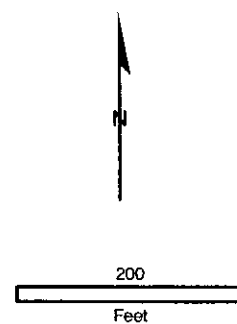
Mile Marker: 97.9

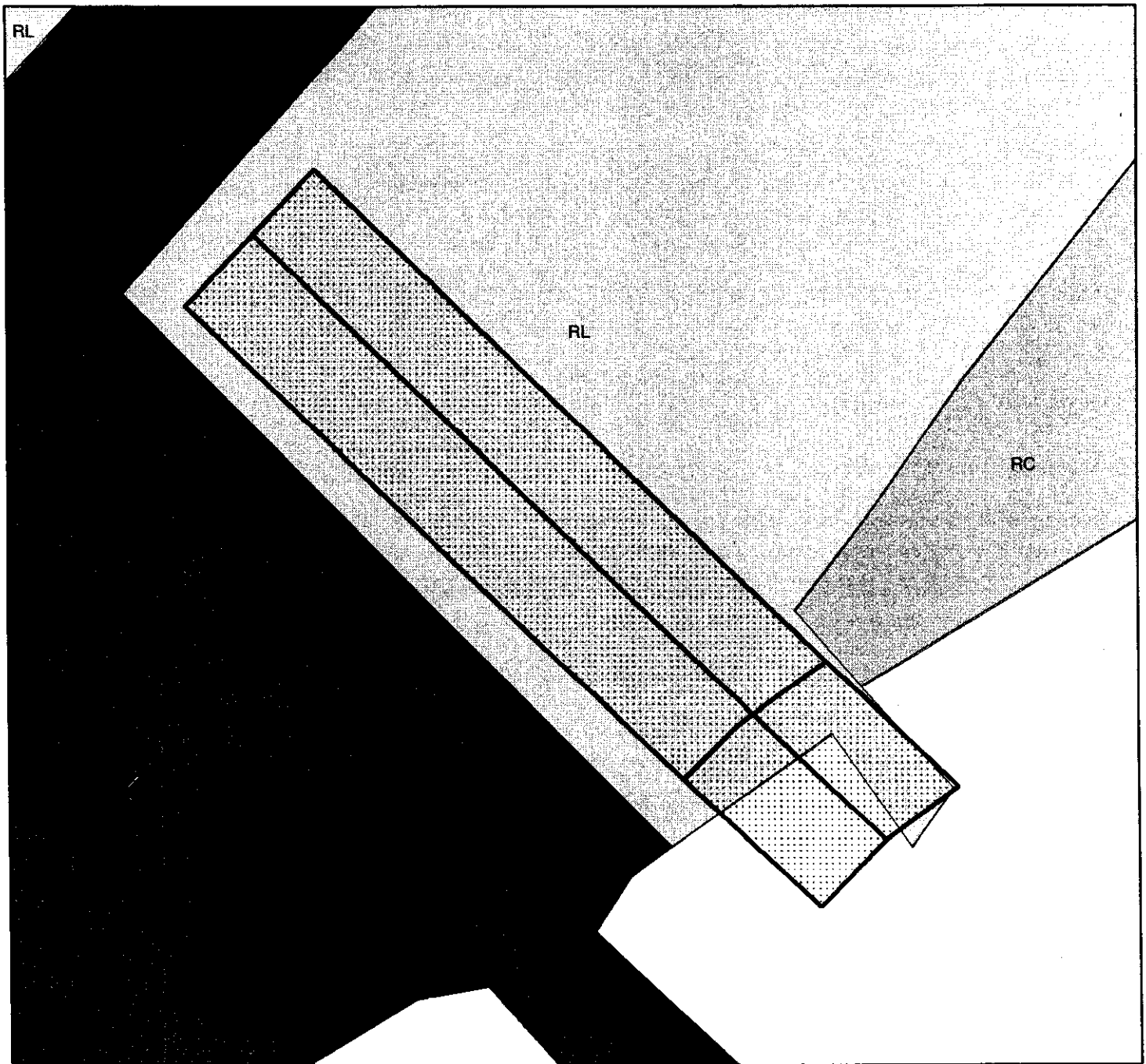
Proposal: Change Future Land Use District from RL to MU/C

Property Description: RE 90650, 90940, 90640, 90950

Map Amendment #: M23060

Land Use District Map #: 138





**The Monroe County Year 2010 Comprehensive Plan  
Future Land Use Map is proposed to be amended as  
indicated above and briefly described as:**

Key: Key Largo

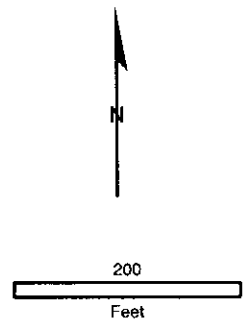
Mile Marker: 97.9

Proposal: Change Future Land Use District from RL to MU/C

Property Description: RE 90650, 90940, 90640, 90950

Map Amendment #: M23060

Land Use District Map #: 138



**BOCC Ordinance to Amend  
Land Use District (Zoning) Map**

**ORDINANCE NO. -2004**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY SAM STOIA TO AMEND THE **LAND USE DISTRICT (ZONING) MAP** FROM SUBURBAN RESIDENTIAL (SR) TO SUBURBAN COMMERCIAL (SC) FOR THE UPLAND PORTION OF PROPERTY DESCRIBED BY THE REAL ESTATE NUMBERS 00090650.000000, 00090940.000000, 00090640.000000 AND 00090950.000000 IN KEY LARGO, MONROE COUNTY, FLORIDA AT APPROXIMATELY MILE MARKER 97.9.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on November 19, 2003, conducted a review and consideration of the request filed by the applicant to amend the land use district (zoning) map from Suburban Residential (SR) to Suburban Commercial (SC) for the upland portion of property located at Mile Marker 97.9, Key Largo, Monroe County, Florida having the real estate identification numbers 00090650.000000, 00090940.000000, 00090640.000000 and 00090950.000000.

**WHEREAS**, the Development Review Committee and staff report recommended approval of this land use district (zoning) map amendment from SR to SC as indicated in Resolutions D30-03; and

**WHEREAS**, the Planning Commission held a public hearing on September 24, 2003 and recommended **denial** of the request as indicated in Resolution P60-03; and

**WHEREAS**, the Board of County Commissioners made the following **Findings of Fact**:

1. **Section 9.5-511(d)(5)b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on items *iv and v* of Section 9.5-511(d)(5) which cites "new issues" and "recognition of a need for additional detail or comprehensiveness" as a viable reason to pursue a map amendment and zoning change. **New issues:** Prior to the effective date of the Monroe County Year 2010 Comprehensive Plan, the marina use was an allowed conditional use in the Suburban Residential Land Use (zoning) district. The Comprehensive Plan disallowed all commercial uses in Suburban Residential zoning districts, thereby rendering the use of the property non-conforming. **Recognition of a need for additional detail or comprehensiveness:** The request for the map amendment is consistent with the proposed Tier III designation of the property. The request is also consistent with one of the goals of the Livable CommuniKeys Program to eliminate non-conforming uses via zoning and map amendments if deemed appropriate.

3. The pre-1986 zoning of the property was General Use (GU) for the westerly most parcels while the two easterly parcels were zoned Business Use-2 (BU-2). These designations are consistent with the established commercial use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use district of the subject property was changed to Suburban Residential (SR).
5. **Section 9.5-207** of the Land Development Regulations states that the purpose of the Suburban Residential (SR) zoning district is to establish areas of low – to medium-density residential uses characterized principally by single-family detached dwellings. Prior to the 1996 adoption of the Monroe County Comprehensive Plan marinas were allowed as a conditional use in the SR zoning district.
6. The Future Land Use Map (FLUM) of the Monroe County Comprehensive Plan designates the subject property as Residential Low (RL).
7. Subsequent to the adoption of the Comprehensive Plan and FLUM any future commercial uses in SR zoning districts were prohibited and any existing commercial uses, such as the marina on the subject property became non-conforming.
8. **Policy 101.4.2** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Low future land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.
9. The pre-1986 **Monroe County Code, effective October 1, 1979, Section 19-217, BU-2 – medium business district** states that the purpose of the BU-2 district “is intended to provide areas suitably situated for centers of commercial activity, area retail sales, sales of fuels, mechanical services, wholesaling, warehousing and storage.
10. **Section 19-178, Monroe County Code, 1984** states “the GU district was established as an interim land classification pending action to re-zone the property to a residential, business, or industrial classification.”
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. The current use of the property, as a marina, dates back to 1966 as evidenced by Building Permit #11579 issued to Lowe’s Marina. This is reflective of the pre-1986 zoning categories of BU-2 and GU.
13. **Section 9.5-206** of the Land Development Regulations indicates that the purpose of the Suburban Commercial (SC) zoning district is to establish areas for commercial uses designed and intended to serve the needs of the immediate planning area in which they are located.
14. Based on the established use of the property, the Suburban Commercial zoning category is the most appropriate for the subject property.

15. The **Mixed Use/Commercial (MC)** future land use category is compatible with the land use (zoning) category of **Suburban Commercial**. The **Mixed Use/Commercial** future land use category is the most appropriate FLUM designation for the subject property.
16. **Objective 101.11 of the Year 2010 Comprehensive Plan** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such developments.
17. The **2002 Public Facilities Capacity assessment Report** and the listed programs on stormwater and wastewater indicates that there are no significant concerns regarding impacts on public facilities.
18. The current zoning and FLUM designation has made the existing use a non-conforming one that constrains the potential renovation or expansion of the use.
19. **Policy 105.1.4** of the Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.”
20. **Policy 105.2.1** of the Year 2010 Comprehensive Plan states that “Monroe County shall designate all lands outside of mainland Monroe County into three (3) general categories for purposes of its Land Acquisition Program and smart growth initiatives. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II); and Infill Area (Tier III).
21. **Policy 105.2.1(3)** states that “Infill Area (Tier III): any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged.”
22. **Goal 102** of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
23. The proposed map amendment is consistent with and supported by **Goal 102, Policy 105.1.4 and Policy 105.2.1**; and

**WHEREAS**, the Board of County Commissioners made the following **Conclusions of Law**:

1. This map amendment meets the fourth (iv) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the subject property or the immediate vicinity.
2. The proposed zoning map amendment meets **Objective 101.8** in that it provides a mechanism for the use on the upland portion of the subject property to come into conformance.
3. The proposed map amendment is supported by **Objective 101.11** of the Monroe County Year 2010 Comprehensive Plan based on the findings of the 2002 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. There are no significant concerns regarding impacts on public facilities as a result of the proposed change.
4. The proposed map amendment is supported by and is consistent with **Goal 102, Policy 105.1.4 and Policy 105.2.1** as it will not have a negative impact on environmentally sensitive land and will facilitate redevelopment in a Tier III infill area.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Section 1. This Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The upland portion of the previously described property, which is currently Suburban Residential (SR) shall be designated Suburban Commercial (SC) on the Land Use District Map which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance is hereby transmitted to the state land planning agency for review and comment pursuant to Chapter 163, Florida Statutes.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]



**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2004

Mayor Murray Nelson  
Mayor Pro Tem David Rice  
Commissioner Charles "Sonny" McCoy  
Commissioner George Neugent  
Commissioner Dixie Spehar

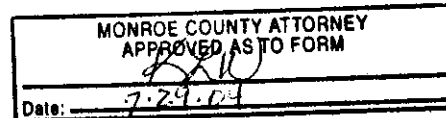
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BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

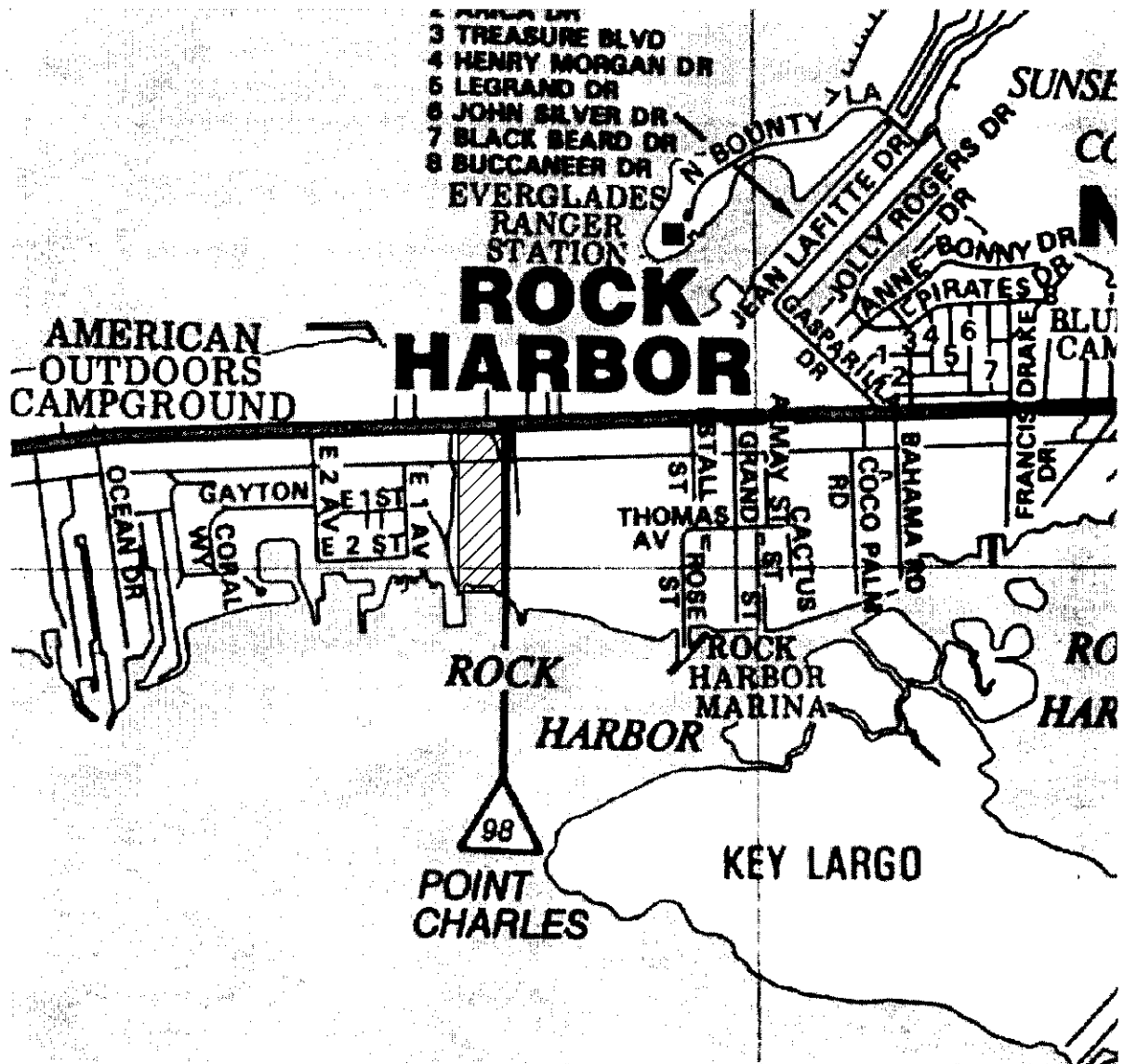
BY \_\_\_\_\_  
Mayor Nelson

(Seal)

ATTEST: DANNY KOHLAGE, CLERK



\_\_\_\_\_



**Proposed Land Use Distric Map Amendment: Street Map**

Key: Key Largo

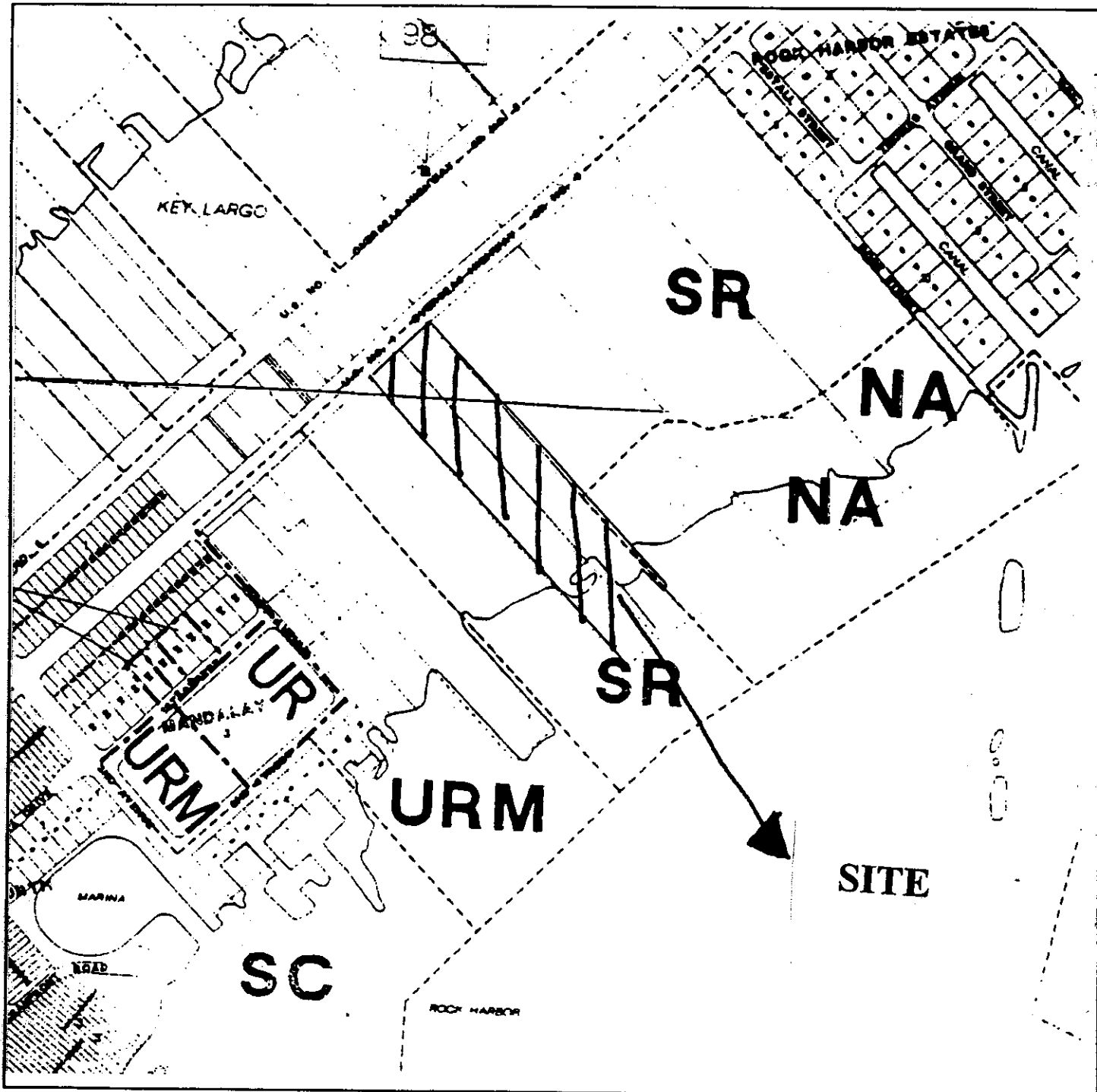
Mile Marker: 97.9

Proposal: Change land use district from SR to SC and future land use from RL to MU/C

Property Description: RE 90650, 90940, 90640, 90950

Map Amendment #: M23060

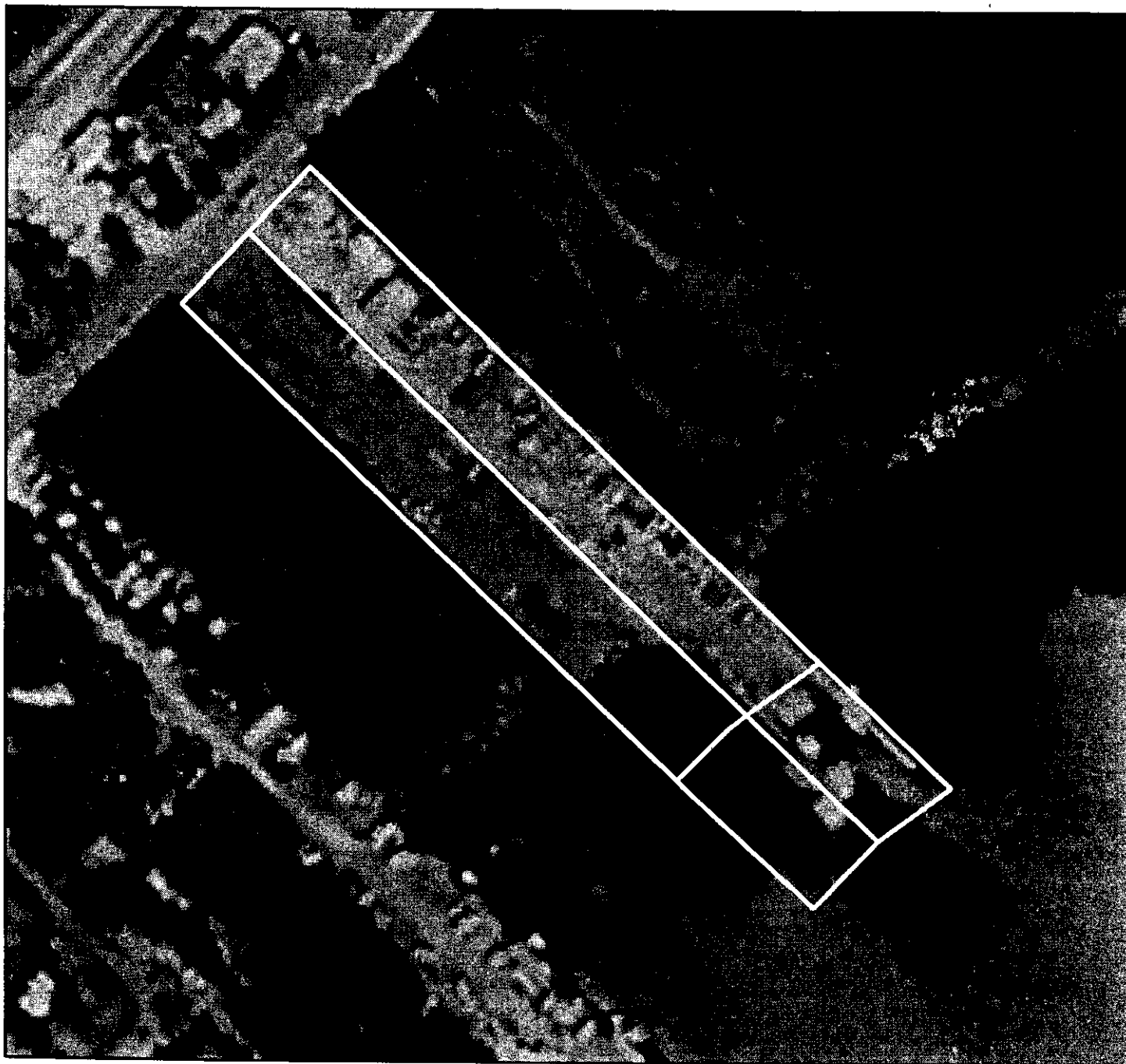
Land Use District Map #: 138



The Monroe County Land Use Map is proposed to be amended as indicated above and briefly described as:

Change Land Use District from SR to SC for RE: 90650, 90940, 90640, 90950





**Proposed Land Use District Map Amendment: Aerial**

Key: Key Largo

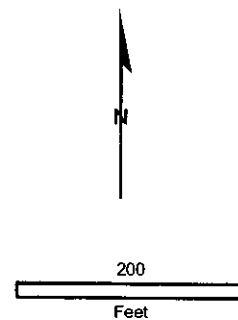
Mile Marker: 97.9

Proposal: Change Land Use District from SR to SC

Property Description: RE 90650, 90940, 90640, 90950

Map Amendment #: M23060

Land Use District Map #: 138



## **BOCC Staff Report**

## **MEMORANDUM**

**TO:** Board of County Commissioners

**THROUGH:** K. Marlene Conaway, Director of Planning

**FROM:** J. G. Buckley, Planner  
Julie Cheon, Biologist

**RE:** **Stoia Request for Comprehensive Plan Map Amendment and Zoning Change**

**DATE:** October 30, 2003

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**MEETING DATE:** November 19, 2003

**EXISTING FUTURE LAND USE DESIGNATION:** Residential Low (RL)

**PROPOSED FUTURE LAND USE DESIGNATION:** Mixed Use/Commercial (MU)

**EXISTING ZONING DESIGNATION:** Suburban Residential (SR)

**PROPOSED ZONING DESIGNATIONS:** Suburban Commercial (SC)

**PROPERTY OWNER:** Sam Stoia

**AGENT:** Sheryl L. Bower, AICP, Planning Consultant

### **PROPERTY INFORMATION**

**Key:** Key Largo

**Size:** 208,216SF (4.78 acres)

**Mile Marker:** MM 97.9

**RE #:** 90650, 90940, 90640, 90950

### **Location Detail & Brief Description:**

The site consists of four parcels at approximately Mile Marker 97.9 on Key Largo (two of which are submerged land). There is one existing building with a covered work area

attached. The current uses on the site include: marina, (recognized in the *1993 Monroe County Marine Facilities Report*), storage and approximately eleven containers which are currently utilized as storage and shop/work space, docking space, and retail tire sales and service.

**Existing Habitat:**

The property is completely scarified.

**Existing Use:**

Marina/retail/storage

**Neighboring Land Uses and Character:** The area is characterized by a number of different commercial and residential uses.

Across US#1 in the median is property owned by Mr. Stoia containing a mobile home, Tom Thumb, and Ballyhoos Grill. These properties have a Future Land Use Category of Mixed Use Commercial.

The properties to the east and west are vacant vegetated lots. The Future Land Use category for both adjoining properties is Residential Low.

**ZONING AND LAND USE HISTORY**

The following chronology is intended to summarize the major procedural events and permit history of the subject property that is appropriate to the requested amendments.

In 1959, Building Permit #T-659 (Attachment "B") was issued to build eight boat sheds on the subject property. In 1966, Building Permit #11579 (Attachment "C") was issued to "Lowes Marina" for a permit for electrical work. This permit indicates that the zoning at the time was BU-2, which was a commercial/business zoning district. A marina use would be consistent with this zoning.

The pre-1986 zoning map indicates that the westerly most parcels were zoned General Use (GU) and the two easterly parcels were zoned BU-2 medium business district. A 1978 aerial photo indicates the GU parcel to be totally scarified with limited storage use and the other parcels contain five (5) large buildings and a marina.

Pursuant to the Monroe County Code, Effective October 1, 1979, Sec. 19-217 BU-2 medium business district: "This district is intended to provide areas suitably situated for centers of commercial activity, area retail sales, sales of fuels, mechanical services, wholesaling, warehousing and storage."

The uses on this parcel conformed to the BU-2 zoning district. The GU district was established as "an interim land classification pending action to rezone the property to a residential, business or industrial classification." (Sec. 19-178, Monroe County Code, 1984) .

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations the subject property was re-designated as Residential Low (RL) Future Land Use District and Suburban Residential (SR) Land Use (zoning) District.

Pursuant to the Monroe County Land Development Regulations, Sec. 9.5-207 Purpose of the Sub Urban Residential District: "The purpose of the SR district is to establish areas of low- to medium –density residential uses characterized principally by single family detached dwellings. This district is predominated by development: however, natural and developed open space create environment defined by plants, spaces and over water views."

At that time, marinas were considered to be a conditional use in the Suburban Residential zoning district. Although, at a cursory level, it would appear that the accompanying Future Land Use Map (FLUM) designation of Residential Low (RL) is inconsistent with the commercial use of the property, however, the only FLUM category compatible with the SR zoning district is the RL designation. In light of the fact that the existing habitat of the immediate vicinity in 1986 consisted of large, undivided tracts of vacant land, it is reasonable to assume that the SR/RL designation was applied with the intent of discouraging further development of a commercial nature on lands deemed to be best suited for low density residential use. Therefore, the SR/RL designation was not applied in error and did reflect an appropriate planning process.

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996 efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan. One of the inconsistencies identified was the inappropriateness of future commercial development in the SR zoning district. Effective in 1996, commercial development was no longer a permitted use in SR and any existing commercial uses, such as found on the subject property became non-conforming as to use.

Non-conforming uses are severely constrained with regard to redevelopment or expansion potential. For example, with older, established non-conforming uses such as the subject property there is little potential for substantial improvements or renovations to be accomplished to correct aging facilities and inadequate wastewater treatment plants.

Currently Monroe County is in the process of developing a Tier System for land acquisition purposes. The draft Tier Maps, dated February 24, 2003, indicate that the subject property is Tier III. Tier III is considered an infill area suitable for development or redevelopment. (Proposed Tier Map Attachment "D") The proposed map amendment is consistent with the proposed Tier designation.

#### **ANALYSIS AND RATIONALE FOR CHANGE**

**Changed Projections or Assumptions:** None.



**Data Errors: None**

**New Issues:** As stated above, prior to the effective date of the Monroe County 2010 Comprehensive Plan, the marina use was allowed as a conditional use in the Suburban Residential Land Use District. The 2010 Plan prohibited any future commercial uses in the SR zoning district, thereby rendering the use of the property as a marina nonconforming.

Furthermore, the proposed map amendment is consistent with the proposed Tier III designation accorded to the subject property. Additionally, one of the goals of the Livable CommuniKeys program is to identify properties that were rendered non-conforming by the 1996 Comprehensive Plan with the intent of making them conforming via zoning changes if deemed appropriate to do so by the Director of Planning.

**Recognition of a Need for Additional Detail or Comprehensiveness:**

The proposed amendments would provide for consistency between actual (historic) uses and the Future Land Use and Land Use District maps. The proposed amendments would also be consistent with the goal of the Livable CommuniKeys program to eliminate non-conforming uses where appropriate via zoning changes. The proposed amendments would also be consistent with the Tier III in-fill area designation.

**IMPACT AND POLICY ANALYSIS**

**Comparison of Development Potential for the Current and Proposed Land Uses:**

**Current Use Potential**

The current use is severely constrained with regard to redevelopment based on the non-conforming nature of the use with regard to its zoning and FLUM designation. The property is limited to non-substantial repair and maintenance of the existing structures. The applicant is currently unable to expand the footprint of any structures for renovation purposes. The ability to demolish the existing aging structure is also prohibited as such work would be considered "substantial" per Section 9.5-143 (non-conforming uses). The continued deterioration of the facility has the potential to have an adverse affect on the surrounding properties. The only conforming uses allowed under the current zoning and FLUM designation is low-density residential, low intensity public, or low intensity institutional uses.

**Proposed Land Use Potential**

The proposed amendment to change the FLUM to Mixed Use/Commercial and the Land Use District (zoning) map from Suburban Residential to Suburban Commercial would remove the constraints noted above. The existing structures could be "substantially" repaired or replaced with new structures that meet the Florida Building Code requirements as well as any requirements of the Monroe County Code. This would include a stormwater management plan that would maintain all run-off on the subject property. The proposed land use would allow for other types of commercial retail

enterprises as well as affordable or employee housing. The existing use could be expanded under the limits of the floor area ratio and open space standards applicable to the Suburban Commercial zoning district.

**1. Comprehensive Plan:**

The property is currently categorized on the Future Land Use Map as Residential Low.

**Policy 101.4.2 Purpose of the Residential Low FLUM Designation**

“The principal purpose of the Residential Low land use category is to provide for low density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.”

In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

The RL designation severely constrains the redevelopment potential of the subject property. Furthermore, the non-conforming use status places undue hardship on the property owner. The applicant is requesting that the FLUM for the property be amended to the Mixed Use/Commercial (MC) category.

**Policy 101.4.5**

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

The property has been utilized (as is evidenced by the 1959 building permit T-659) as a commercial use for decades. The proposed map amendment to change the land use district designation to MC will allow the property to become conforming as to use. This will also increase the redevelopment potential for the subject property and provide an opportunity for substantial improvements to occur.

#### **Compatibility with Adjacent Land Uses and Effects on Community Character:**

The proposed map amendment is not in conflict with the community character based on the following findings:

##### ***Density and Intensity***

The property has been in use as a marina and storage area for many years. The proposed map amendment to MC will reflect the existing density and intensity of use in a more accurate manner than the current RL designation because residential density is based on dwelling units while commercial density and intensity is based on floor area ratio. There are no residential dwelling units on the property, however there is existing commercial floor area. Therefore, the map amendment will not be in conflict with the community character of the immediate vicinity that is a mix of uses, mostly commercial with the exception of the areas northeast and southeast of the property that remain vacant with native vegetation and mangroves.

##### ***Use Compatibility***

The current use of the property is consistent with the mix of uses, including a number of different commercial uses and some undeveloped residential sites, found in the immediate vicinity. The map amendment will not create a conflict with community character based on use compatibility. Any future redevelopment of the site that would involve a change of use would require planning review and a possible amendment to a conditional use if deemed necessary by the Director of Planning.

##### ***Local Traffic and Parking***

The uses are existing; the map amendment will have no impact on "Local Traffic or Parking".

##### ***Effects on Natural Resources:***

The property proposed for the map amendment is scarified. The proposed map changes will not adversely impact environmentally sensitive lands or natural resources. Should the property become conforming as to use and apply for substantial improvements any non-compliant aspects of the property such as but not limited to, shoreline setback, wastewater treatment, etc. would have to be brought into compliance to the best extent practicable.

### ***Effects on Public Facilities:***

The 2002 Monroe County Public Facilities Capacity Assessment Report indicates that the adequacy of public facilities would not be impacted in a negative manner if the proposed map amendment is approved and enacted.

### ***Consequences of a denial of the proposed map amendments.***

The property would continue to be non-conforming with the associated limitations with regard to redevelopment.

The inability to pursue substantial improvements or redevelopment will create potential for unsafe structures, possible degradation of near-shore waters as a result of substandard wastewater treatment facilities, and poor surface water management.

### **DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES** **FINDINGS OF FACT:**

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on items number iv and v of Section 9.5-511(d)(5) which cites "new issues" and "recognition of a need for additional detail or comprehensiveness" as a viable reason to pursue a map amendment and zoning change. **New Issues:** Prior to the effective date of the Monroe County 2010 Comprehensive Plan, the marina use was an allowed use in the Suburban Residential Land Use (zoning) District as a Major Conditional Use. The 2010 Plan removed all commercial uses from the Suburban Residential zoning category, thereby rendering the use of the property as a marina non-conforming. **Recognition of a need for additional detail or comprehensiveness:** the proposed map amendment is consistent with the Tier III designation and the goal of the Livable CommuniKeys program to eliminate non-conforming uses via zoning changes if deemed appropriate.
3. The pre-1986 zoning of the property was General Use (GU) for the westerly most parcels while the two easterly parcels were zoned Business Use-2 (BU-2). These designations are consistent with the established commercial use of the property.
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the subject property was changed to Suburban Residential (SR).
5. **Section 9.5-207** of the Land Development Regulations states that the purpose of the Suburban Residential (SR) zoning district is to establish areas of low – to medium-density residential uses characterized principally by single-family

detached dwellings. Prior to the 1996 adoption of the Monroe County Comprehensive Plan marinas were allowed as a conditional use in the SR zoning district.

6. The Future Land Use Map (FLUM) of the Monroe County Year 2010 Comprehensive Plan designates the subject property as Residential Low (RL).
7. Subsequent to the adoption of the FLUM and Comprehensive Plan future commercial development in SR zoning districts were prohibited and any existing commercial uses, such as the marina on the subject property became non-conforming.
8. **Policy 101.4.2** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Low Future Land Use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.
9. The pre-1986 **Monroe County Code, effective, October 1, 1979, Section 19-217, BU-2 medium business district** states that the purpose of the BU-2 district "is intended to provide areas suitably situated for centers of commercial activity, area retail sales, sales of fuels, mechanical services, wholesaling, warehousing and storage."
10. **Section 19-178, Monroe County Code, 1984**, states that the "GU district was established as an interim land classification pending action to rezone the property to a residential, business, or industrial classification."
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. The current use of the property, as a marina dates back to 1966, as evidenced by Building Permit #11579 issued to Lowe's Marina, is reflective of the previous zoning categories of BU-2 and GU.
13. **Section 9.5-206** of the Land Development Regulations indicates that the purpose of the Suburban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located.
14. Based on the established use of the property, the Suburban Commercial zoning category is the most appropriate zoning category for the subject property.
15. The **Mixed Use/Commercial (MC)** Future Land Use category corresponds with the land use zoning category, **Suburban Commercial**. The **M/C** Future Land Use category is the most appropriate FLUM designation for the subject property.

16. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such developments
17. The **2002 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicates that there are no significant concerns regarding impacts on public facilities.
18. The current zoning and FLUM designation has made the existing use a non-conforming one that constrains the potential renovation or expansion of the use.
19. **Policy 105.1.4** of the Monroe County Year 2010 Comprehensive Plan states that "Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape."
20. **Policy 105.2.1** of the Monroe County Year 2010 Comprehensive Plan states that "Monroe County shall designate all lands outside of mainland Monroe County into three (3) general categories for purposes of its Land Acquisition Program and smart growth initiatives. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II); and Infill Area (Tier III)."
21. **Policy 105.2.1 (3)** states that "Infill Area (Tier III): any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged. "
22. **Goal 102** of the Monroe County Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.
23. The proposed map amendment is consistent with and supported by **Goal 102, Policy 105.1.4, and Policy 105.2.1.**

### **PLANNING COMMISSION EVALUATION:**

1. **The Planning Commission** determined that the proposed map amendment does not meet the criteria of Section 9.5-511; and
2. The Planning Commission determined that the proposed map amendment and zoning change is not consistent with Section 9.5-141 that states “the purpose of this article is to regulate and limit the continued existence of uses and structures established prior to the enactment of this chapter that do not conform to the provisions of this chapter. Many nonconformities may continue, but the provisions of this article are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination in order to preserve the integrity of this chapter.”
3. The Planning Commission determined that the proposed map amendment is not mandated by **Objective 101.8 of the Monroe County Year 2010 Comprehensive Plan** that states “Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations.”
4. The Planning Commission determined that the proposed map amendment would produce an adverse community change with regard to the surrounding adjacent parcels which are vacant and contain mangroves and native vegetation and which are zoned Suburban Residential and Native Area.
5. The Planning Commission determined that the applicant was fully informed regarding the subject parcel’s zoning and nonconformities prior to his acquiring the property.

### **PLANNING COMMISSION CONCLUSIONS OF LAW:**

1. The Planning Commission determined that this map amendment does not meet the criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will have a negative impact or alter the character of the subject property or the immediate vicinity.
2. The Planning Commission determined that the proposed map amendment and zoning change is not consistent with **Section 9.5-141**.
3. The Planning Commission determined that the proposed map amendment is not mandated by **Objective 101.8 of the Monroe County Year 2010 Comprehensive Plan**.
4. The Planning Commission determined that the proposed map amendment would produce an adverse community change with regard to the surrounding adjacent

parcels which are vacant and contain mangroves and native vegetation and which are zoned either Suburban Residential (SR) or Native Area (NA).

5. The Planning Commission determined that the applicant was fully informed regarding the subject parcel's zoning and nonconformities prior to his acquiring the property.

#### **PLANNING COMMISSION RECOMMENDATION:**

Based on the above Findings of Fact and Conclusions of Law, the Planning Commission recommends **DENIAL** to the Board of County Commissioners of the proposed Future Land Use Map amendment from Residential Low (RL) to Mixed Use/Commercial (MC) and the proposed Land Use (zoning) District Map amendment from Suburban Residential (SR) to Suburban Commercial (SC) for the subject property.

#### **STAFF RESPONSE:**

1. Staff determined that the request was consistent with the criteria listed in Section 9.5-511 specifically "new issues" and "recognition of a need for additional detail." The "new issue" that staff reviewed is the thrust of the Livable CommuniKeys Program to identify existing nonconforming uses and where appropriate render them conforming via a FLUM and zoning change. The Director of Planning deemed this to be an appropriate parcel for this process. Coupled with "new issues" staff determined that a "recognition of additional detail or comprehensiveness" was appropriate in light of other efforts to grandfather certain densities and uses to protect long-time established uses, such as the one on the subject property.
2. Staff determined that the proposed request was consistent with **Goal 102 of the Year 2010 Comprehensive Plan** which states "Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands" and **Objective 101.11 of the Year 2010 Comprehensive Plan** that states "Monroe County shall implement measures to direct growth away from environmentally sensitive lands and towards established development areas served by existing public facilities." The use, as noted, has been established for approximately forty-five (45) years. The properties along the U.S.1 corridor adjacent to the subject property contain a mix of commercial and light industrial uses as well as some residential use. The subject property is intrinsically suited for future redevelopment and is served by existing public facilities.
3. Staff determined that the proposed request would be consistent with **Objective 101.8 of the Year 2010 Comprehensive Plan** in that the current nonconformity would be eliminated if the request is approved. Since the objective is to eliminate or reduce the frequency of uses which are inconsistent, the requested amendment would do so.



4. Based on the requirements of Section 9.5-293 (surface water management), Staff determined that any future redevelopment on the subject property would require a surface water management plan approved by the County Engineer. If run-off is controlled the potential for adverse impact on the mangrove areas in near proximity would be minimal. There is no empirical evidence to indicate that the FLUM and zoning change would create a circumstance, either through expansion of existing structures or a change to other appropriate commercial or residential uses, that would adversely impact environmentally sensitive lands in close proximity. Any future repair of docking facilities would require U.S. Army Corp of Engineers and Department of Environmental Protection permits in addition to all required County permits.
5. Staff determined, as did the Planning Commission, that the applicant was fully informed regarding the subject parcel's zoning and nonconformities prior to his acquiring the property. However, staff also determined that the knowledge, in and of itself, is not an *a priori* reason to deny the request based solely on that premise. Nor would it be appropriate to deny the due process afforded to any applicant requesting a similar amendment.

**STAFF RECOMMENDATION:**

Based on the Department of Planning and Environmental Resources staff report, staff recommends **APPROVAL** to the Board of County Commissioners of the proposed Future Land Use Map amendment from Residential Low (RL) to Mixed Use/Commercial (MC) and the proposed Land Use District (zoning) Map amendment from Suburban Residential to Suburban Commercial.

## **Transmittal Resolution**

RESOLUTION NO 524      -2003

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY SAM STOIA TO CHANGE THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR THE UPLAND PORTION OF PROPERTY DESCRIBED BY THE REAL ESTATE NUMBERS 00090650.000000, 00090940.000000, 00090640.000000 AND 00090950.000000 IN KEY LARGO, MONROE COUNTY, FLORIDA AT APPROXIMATELY MILE MARKER 97.9.

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**WHEREAS**, the Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the property described above; and

**WHEREAS**, the Monroe County Department of Planning and Environmental Resources recommends approval of the proposed Future Land Use Map amendment; and

**WHEREAS**, the Monroe County Board of County Commissioners support the requested Future Land Use Map designation change;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** The Board of County Commissioners does hereby adopt the recommendations of the Monroe County Department of Planning and Environmental Resources pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

**Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment as part of the second (2nd) set of comprehensive plan amendments for 2003 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes; and

**Section 3.** The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

**Section 4.** The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

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**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida  
at a regular meeting held on the 19th day of November, 2003.

Mayor Murray E. Nelson	<u>yes</u>
Mayor Pro Tem David P. Rice	<u>yes</u>
Commissioner Charles "Sonny" McCoy	<u>yes</u>
Commissioner George Neugent	<u>not present</u>
Commissioner Dixie Sphear	<u>yes</u>

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY

*Dixie M. Sphear*

Mayor/Chairman



ATTEST

DANNY L. KOHLAGE, CLERK

*Jamela Hancock*  
Deputy Clerk

FILED FOR RECORD  
2003 DEC 16 PM 12:41  
DANNY L. KOHLAGE  
CLK. CIR. CT.  
MONROE COUNTY, FLA.

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Robert N. Wolfe*  
ROBERT N. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 12-15-03